

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

JEFFREY EDWARD MOSS,

Plaintiff,

VS.

Judge THOMAS WILSON,

Defendant.

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NO. 5:16-CV-194-MTT-MSH

ORDER

Plaintiff Jeffrey Edward Moss has filed a *pro se* pleading in which he appears to be seeking relief pursuant to 42 U.S.C. § 1983. In this Complaint, Plaintiff alleges that Judge Thomas Wilson has violated various constitutional rights with respect to Plaintiff's pending criminal proceedings. (*See, e.g.*, Compl. 1-3, ECF No. 1.) Plaintiff has, however, already initiated another lawsuit alleging constitutional violations with regard to this same criminal prosecution, and he mentions Judge Wilson's conduct therein. *See Moss v. Knox*, No. 5:16-cv-00010-MTT-MSH (M.D. Ga. Jan. 7, 2016). This action therefore brings claims that appear to be closely related to those alleged in Plaintiff's pending lawsuit and involves the same party.

Rule 42(a) of the Federal Rules of Civil Procedure authorizes this Court to consolidate actions that "involve a common question of law or fact."¹ Consolidation of

¹"[T]he lack of any Rule 42(a) motion from any party in either of the two cases is no impediment to consolidation if the relevant considerations warrant same." *Chambers v. Cooney*, No. 07-0373-WS-B, 2007 WL 3287364, at *1 (S.D. Ala. Nov. 2, 2007) (citing *Devlin v. Transp. Comm. Int'l Union*, 175 F.3d 121, 130 (2d Cir. 1999) ("A district court

Plaintiff's cases will conserve judicial resources and permit the efficient resolution of Plaintiff's claims. It is therefore **ORDERED** that this case, 5:16-cv-194-MTT-MSH, be **CONSOLIDATED** into *Moss v. Knox*, No. 5:16-cv-00010-MTT-MSH, and that the present case, 5:16-cv-194-MTT-MSH, be **ADMINISTRATIVELY CLOSED**.

SO ORDERED, this 21st day of June, 2016.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

can consolidate related cases under Federal Rule of Civil Procedure 42(a) *sua sponte*.”)).